



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,753	04/16/2004	Brian Longley	ZOT 0001P	8500

7590 10/14/2005

William C. Fuess  
FUESS & DAVIDENAS  
Suite II-G  
10951 Sorrento Valley Road  
San Diego, CA 92121

EXAMINER

FULLER, RODNEY EVAN

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,753

Applicant(s)

LONGLEY, BRIAN

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER  
PRIMARY EXAMINER

*R. J. Fuller*

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceeds 150-words. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following items:
  - a. (Page 13, lines 3-4): The reference number "11" is used to refer to both "a wheeled dolly" and "a track."
  - b. (Page 14, line 1): The reference number "1223a" appears to be a typographical error.
  - c. (Page 14, line 21; Page 15, lines, 17, 19): The reference number "11" is used to refer to a "track". However, in Figure 1, reference number "11" appears to be directed to the dolly.
  - d. (Page 14, line 24 and 32): The reference number "125" is used to refer to both a "strut" and a "connection member."

Art Unit: 2851

e. (Page 14, line 31): The reference number "11" is used to refer to a "trolley" which is inconsistent with the prior uses of the reference number "11."

f. (Page 14, lines 15-17 and Page 15, line 6): The reference number "121" is used to refer to both "stanchions" and a "post."

Appropriate correction is required.

4. Due to the numerous typographical errors in the specification, the applicant is asked to review the disclosure for any additional errors not noted by the examiner.

### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following items must be shown or the feature(s) canceled from the claim(s):

i. (Claim 2): "a substantially planar elongate element shaped in the substantial contour of an external surface of one-half of an elongate prism, with opposite side edges of the element transverse to its elongate axis constituting the upward-extending spaced parallel lips.

ii. (Claims 6 and 23): "track segments pieced together so that two upward-extending spaced-parallel lips of one segment abut tightly and continuously to two upward-extending spaced parallel lips of another segment.

iii. (Claims 7 and 25): "connecting members"

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal (i.e., the drawings are hand-sketched). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell, et al. (US 4,699,484) in view of Eastman (US 68,421).

Regarding claims 1, 5-15 and 20-27, Howell discloses a system for moving a camera on a dolly along two rails that are attached together with connection members, (1) wherein the track may be straight or curved, (2) wherein the track may be made up of separate segments, (3) wherein the track is supported above the ground, (4) wherein the center of gravity of the camera and the elevation angle of the camera is adjustable, and (5) wherein the dolly comprises a motor for driving the dolly along the track.

In other words Howell discloses all the structure set forth in the claim except the specific structure associated with the rails as set forth in claims 2-4 and 16-19. The rail and wheel system of Howell utilizes a relatively flat surface rail wherein the wheels travel on top. In contrast, the present invention utilizes a rail and wheel system wherein the rail has an arc shape and wherein the wheels ride inside the lip of the arc rail.

However, the use of a rail system with an arc rail is known in the art as is evident from the teaching of Eastman (see Figure 2). Thus, it would have been obvious to one

Art Unit: 2851

of ordinary skill in the art at the time the invention was made to modify Howell by utilizing an arc shaped rail instead of flat rails. The ordinary artisan would have been motivated to modify Howell to prevent the wheels of the dolly from running off the track as suggest by Eastman (2<sup>nd</sup> and 4<sup>th</sup> paragraphs).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nicely (US 6,681,702), Hetemaa, et al. (US 4,640,459), Stimpson (US RE23), Hawley 9US 1,769,643), Haldeman (US 1,070,248), Tseng, et al. (US 2003/0174418), Wiebe (US 1,505,116) and Broek (US 2005/0051048) each discloses a rail system wherein the rail is arced and/or v-shaped.

Traver (US 6,775,475), Walton, et al. (US 6,264,330), Grottesi (US 5,037,068), English (US 3,598,355), Fellous (US 5,479,597), Johnson (US 5,711,227) and Gerard (US 2,785,597) each disclose a system for moving a camera on a dolly along a track rail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller  
Primary Examiner  
Art Unit 2851

September 27, 2005

A handwritten signature in black ink, appearing to be 'R. Fuller', written over the printed name of Rodney E Fuller.